

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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PML NORTH AMERICA, LLC,

Plaintiff,

v.

Case No. 05-CV-70404

ACG ENTERPRISES OF NC, INC.,  
and CARLOS BROWN,

Defendants.

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**ORDER DISMISSING COUNTS I-II AND V AND SCHEDULING  
EVIDENTIARY HEARING TO DETERMINE DAMAGES FOR COUNTS III AND IV**

On January 17, 2008 the court conducted a telephone conference on the record with counsel in the above-captioned matter. The court discussed Plaintiff PML North America, LLA's ("PML's") January 10, 2008 motion, which requests (1) voluntary dismissal of its pending unresolved claims, (2) scheduling of an evidentiary hearing to determine damages for the resolved claims and (3) a request for an award of additional attorneys' fees against Defendant Carlos Brown. Counsel for Defendants ACG Enterprises of NC, Inc. and Brown stated concurrence with the first two issues and expressed opposition to the imposition of additional attorneys' fees and costs. Pursuant to the discussion on the record, the court will order as follows.

IT IS ORDERED that Counts I (Unjust Enrichment), II (Promissory Estoppel) and V (Conversion) of the Second Amended Complaint are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the court will conduct an evidentiary hearing to determine damages for Counts III (Fraud and Misrepresentation) and IV (Breach of Contract) at **9:00 a.m. on February 14, 2008**. Counsel are encouraged to stipulate in advance of the hearing to any uncontested legal and factual matters. The court expects that the hearing will not require more than half of the day.

IT IS FURTHER ORDERED that PML submit, **by January 24, 2008**, and for *in camera* review, unredacted billing statements in support of its request for additional attorneys' fees and costs. Defendants shall file a timely response to PML's request.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 18, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 18, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522